

FINAL MINUTES
PESTICIDE CONTROL BOARD MEETING
OCTOBER 20, 2005

The Pesticide Control Board meeting was held at 9:00 a.m. in the Washington Building, Richmond, VA, Donald Fritz, Chairman, being in the chair, and the Secretary being present.

The following Board members were present: Dr. William Boshier; Dr. George Brown; Ruth Brown; Donald Fritz; Ernest Morse; Robin Rinaca; Mark Tubbs; Liz White; and Joe Wilson. The following Board members were absent: Carl Garrison, III; Dr. Sharron Quisenberry (represented by Dr. Michael Weaver via phone); and Dr. Lorenza Lyons (represented by Dr. Asmare Atalay).

The following staff members were present: Andres Alvarez; Dr. Wayne Surles; J. Carlton Courter, III; Don Blankenship; Robert Bailey; Kathy Dictor; Marshall Trammell; Joe Dictor; Doug Edwards; Elaine Lidholm; and Rhonda Bates.

Others present: Billy Walls, Consultant; Laurie Coulter, Dow AgroSciences; Brock Herzberg, VA Farm Bureau; Lin Diacont, VGIC; Jason Leonard, Forshaw Distributors; John Horsley, Terminix; Kevin Kordek, VPMA; Karen Boniface, BASF; Don Goff, Chesapeake Public School; Bucky Kennedy, SCPA; Eddie Ingram and Allen Scarborough, Bayer Crop Science; and Susan Nessler, VA Tech.

CALL TO ORDER

Chairman Fritz called the meeting to order.

DETERMINATION OF A QUORUM

Chairman Fritz announced that a quorum was present.

PUBLIC HEARING

Chairman Fritz opened the floor for public comments after Marshall Trammell summarized the changes to 2 VAC 20-51, *Rules & Regulations Governing Pesticide Applicator Certification*. There were no comments. Chairman Fritz closed the public hearing.

PUBLIC COMMENT PERIOD

Mr. Bucky Kennedy, from Southern Crop Production Association, introduced himself and other members of his association to the Board.

Dr. Surles read a letter to the Board from Bill Couzens, President, Next Generation Choices Foundation, thanking the Board for its response to his concern about pesticide drift, especially as it relates to school children.

APPROVAL OF MINUTES

Mr. Wilson moved to adopt the minutes of the July 21, 2005 Board meeting. Mr. Morse seconded. The motion carried unanimously.

COMMENTS AND RESPONSES TO REGULATIONS

Marshall Trammell responded to the one comment received during the extended public comment period for 2 VAC 20-40, *Licensing of Pesticide Businesses*.

Ms. White moved that the Board adopt, as final, the proposed amendments to 2 VAC 20-40, *Rules and Regulations Governing Licensing of Pesticide Businesses Operating Under Authority of the Department of Agriculture and Consumer Services Operating Under the Authority of the Virginia Pesticide Control Act*, and that staff be authorized to take any and all steps necessary or appropriate under the Administrative Process Act concerning these amendments. Dr. Brown seconded. The motion carried unanimously.

ENFORCEMENT ACTIVITIES FOR THE QUARTER

Mr. Tubbs, Chair, Enforcement Committee, presented two cases requiring Board approval. After his summation, Mr. Tubbs moved that the Board accept the findings and recommendations of the conference officer to reduce the civil penalty from \$520 to \$280 in Case 22763-Home Paramount Pest Control. Dr. Brown seconded. The motion carried unanimously.

In the second case, Mr. Tubbs moved that the Board accept the findings and recommendations of the conference officer to reduce the civil penalty from \$13,000 to \$10,150 in Case 24219-Wes Hodges & Associates Termite & Pest Control, Inc. Dr. Bosher seconded. The motion carried unanimously.

Joe Dictor provided a summary of enforcement activities for the quarter, after which Mr. Wilson requested of staff a quarterly report detailing collections of unpaid civil penalties.

TERMITICIDE PRE-TREATMENT TASK FORCE UPDATE

Dr. Surles reported that the Board authorized formation of an ad-hoc committee to study alleged fraudulent applications of pre-construction termiticide. The task force was comprised of a diverse group throughout the industry who developed a two-prong approach – strong enforcement activity and a strong educational program. He introduced Mr. Kevin Kordek, a task force member, who presented to the Board a proposal on the educational aspect. Mr. Kordek stated that the task force’s objective was to develop a holistic plan through education and enforcement to address the problem throughout the Commonwealth. Dr. Dini Miller of VA Tech will work with the VA Pest Management Association (VPMA) as the program coordinator to guide in the development of the appropriate training curriculum. Mr. Kordek stated the VPMA has, in the past, worked closely with Dr. Miller to create a successful training program that addressed integrated pest management in public schools, which was funded by the Board. He proposed a similar format to that one, including the initial round of training in Richmond,

Blacksburg, Virginia Beach and Northern Virginia. He noted that the VPMA has demonstrated the administrative and technical abilities to perform the necessary tasks and to administer the training programs, ensuring that the programs are completed and documented. The VPMA has agreed with the findings of the task force and supports the creation of the training program. The VPMA, as an association, believes that the appropriate training and enforcement will result in more voluntary compliance by pest management professionals, thereby reducing enforcement action from the Office of Pesticide Services. Mr. Kordek, on behalf of the task force, requested approval to instruct Dr. Miller to proceed with the development of the detailed proposal for submission to the Board at the January 2006 meeting where funding will be requested.

Dr. Boshier moved to endorse the proposal as presented. Mr. Morse seconded. The motion carried unanimously.

Chairman Fritz asked Dr. Surles and staff to develop, in tandem, an enforcement procedure and protocol for presentation at the January meeting.

STATUS OF PESTICIDE APPLICATOR SAFETY TRAINING PROGRAM

Dr. Weaver and Susan Nessler provided updates on the status of the manual development and on the pesticide applicator training programs. Dr. Weaver informed the Board that the Pesticide Safety Education In-Service Workshop held October 10-14, 2005, in Charlottesville, was a success.

DEVELOPMENT OF DRIFT CONTROL BROCHURE

Dr. Surles reported that the Board directed him and Dr. Weaver to develop a drift brochure that would be a broad based document that could appeal to a large number of people, a copy of which all Board members had before them. Elaine Lidholm of VDACS' Communication Office will tweak the brochure and prepare for publication.

EXECUTIVE SECRETARY'S REPORT

Dr. Surles introduced OPS' new staff member, Doug Edwards, Product Registration and Worker Protection Standard Coordinator.

He reported that the NOIRA for 2 VAC 20-20 and 25, *Enforcement of Pesticide Law & Pesticide Registration* amendments has been published on Town Hall.

Dr. Surles commended OPS staff on meeting deadlines despite personnel shortages during the year.

COMMISSIONER'S/DEPUTY COMMISSIONER'S REPORT

Mr. Blankenship reported on VDACS' move to the renovated Finance Building. He stated that the agency will handle emergency situations only during the move which is scheduled over two weekends. VDACS has submitted its legislative package for the 2006 session. The agriculture

industry has been hit hard by drought – 21 counties, to date, have applied for drought disaster designation. He stated that poultry is Virginia’s number one agriculture industry and VDACS has been doing some planning with the health department in terms of dealing with poultry workers and VDACS’ workers in the event poultry flocks become infected with avian influenza. Mr. Blankenship then stated that the avian influenza is not here. Biosecurity in Virginia’s poultry industry is extremely good.

CHAIRPERSON’S REPORT

Chairman Fritz directed staff to develop a five-year budget projection for presentation at the January meeting.

ADJOURNMENT

Meeting adjourned at 11:50 a.m.

(For further detail, taped minutes of the meeting are on file at VDACS and can be accessed by calling 804/371-6558.)